

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>INDICTMENT</u>
- v. -	:	09 Cr <u>558</u> ()
JAMES CROMITIE,	:	
a/k/a "Abdul Rahman,"	:	
a/k/a "Abdul Rehman,"	:	
DAVID WILLIAMS,	:	
a/k/a "Daoud,"	:	
a/k/a "DL,"	:	
ONTA WILLIAMS,	:	
a/k/a "Hamza," and	:	
LAGUERRE PAYEN,	:	
a/k/a "Amin,"	:	
a/k/a "Almondo,"	:	
Defendants.	:	

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COUNT ONECONSPIRACY TO USE WEAPONS OF MASS DESTRUCTION
WITHIN THE UNITED STATES

The Grand Jury charges:

1. From at least in or about June 2008, up to and including in or about May 2009, in the Southern District of New York and elsewhere, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, at least one of whom traveled in and caused another to travel in interstate commerce in furtherance of the offense, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to use a weapon of mass destruction, to wit,

a surface-to-air guided missile system and an improvised explosive device ("IED") containing over 30 pounds of Composition 4 ("C-4") military-grade plastic explosive material against persons and property within the United States.

2. It was a part and an object of the conspiracy that JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, and others known and unknown, agreed to use: (1) a surface-to-air guided missile system to destroy military aircraft at the New York Air National Guard Base located at Stewart Airport in Newburgh, New York (the "Air National Guard Base"); and (2) IEDs, each containing over 30 pounds of C-4 military-grade plastic explosive material to destroy a synagogue and a community center in the Riverdale Section of the Bronx, in violation of Title 18, United States Code, Section 2332a.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about April 10, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," the defendant, photographed several synagogues and Jewish community centers in

the Bronx and elsewhere for consideration as possible targets in a planned terrorist bombing operation.

b. On or about April 23, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," and DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," the defendants, met with a cooperating witness ("the CW") who was working with the Federal Bureau of Investigation (the "FBI") and discussed the details of two planned terrorist attacks including: (1) a plot to use a surface-to-air guided missile system to destroy military aircraft located at the Air National Guard Base; and (2) a plot to use IEDs containing C-4 plastic explosive material to destroy a synagogue and a community center in the Riverdale Section of the Bronx, New York.

c. On or about April 23, 2009, DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," the defendant, placed a telephone call to a gun supplier to purchase handguns for use in the planned terrorist attacks.

d. On or about April 24, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," and DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," the defendants, traveled with the CW to an area adjacent to the Air National Guard Base to select a location from which they could shoot at the military aircraft using a surface-to-air guided missile system.

e. On or about April 24, 2009, DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," the defendant, photographed the airfield and military aircraft at the Air National Guard Base.

f. On or about April 28, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, met with the CW at a house in Newburgh, New York, and further planned terrorist attacks.

g. On or about May 1, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, met with the CW and went to a telecommunications store in Newburgh, New York, where they purchased cellular telephones for the planned terrorist attacks.

h. On or about May 6, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, traveled to a warehouse in Connecticut with the CW to obtain what the defendants believed to be a surface-to-air guided missile system and three IEDs containing C-4 explosive material and transported these devices back to New Windsor, New York, for use in the planned terrorist attacks.

i. On or about May 8, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, traveled with the CW to a storage facility in New Windsor, New York, to allow ONTA WILLIAMS to examine what they believed to be a surface-to-air guided missile system. The defendants then brought what they believed to be an IED to a house in Newburgh, New York, where they discussed with the CW how to detonate the IED using a remote control device and further discussed the logistics of the planned terrorist attacks.

j. On or about May 19, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, ate dinner with the CW in Newburgh, New York, and later that night further discussed the planned terrorist attacks.

k. On or about May 19, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, went with the CW to the vicinity of the Air National Guard Base to conduct surveillance and thereafter further discussed the logistics of the planned terrorist attacks.

l. On or about May 19, 2009, ONTA WILLIAMS, a/k/a "Hamza," the defendant, drew a map of the area surrounding the proposed target of the planned terrorist operations in Newburgh, New York.

m. On or about May 20, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," the defendant, retrieved what he believed to be three IEDs from a storage facility in New Windsor, New York, and, with DAVID WILLIAMS, a/k/a "Daoud," a/k/a the defendant, loaded the three IEDs into a vehicle.

n. On or about May 20, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," the defendant, connected detonating devices to what he believed to be three IEDs.

o. On or about May 20, 2009, DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," and ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, programmed cellular telephones to communicate with each other during the planned terrorist operations.

p. On or about May 20, 2009, DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," the defendant, acted as a lookout in the vicinity of 246th Street and Independence Avenue in the Bronx.

q. On or about May 20, 2009, ONTA WILLIAMS, a/k/a "Hamza," the defendant, acted as a lookout in the vicinity of 238th to 240th Streets and Independence Avenue in the Bronx.

r. On or about May 20, 2009, LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendant, acted as a lookout in the vicinity of 235th to 237th Streets and Independence Avenue in the Bronx.

s. On or about May 20, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," the defendant, placed what he believed to be an IED in the vicinity of the Riverdale Temple located at 4545 Independence Avenue in the Bronx.

t. On or about May 20, 2009, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," the defendant, placed what he believed to be two IEDs in the vicinity of the Riverdale Jewish Center located at 3700 Independence Avenue in the Bronx.

(Title 18, United States Code, Sections 2332a(a)(2)(C).)

COUNT TWO

ATTEMPT TO USE WEAPONS OF MASS DESTRUCTION
WITHIN THE UNITED STATES

The Grand Jury further charges:

4. From at least in or about June 2008, up to and including in or about May 2009, in the Southern District of New York and elsewhere, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a

"Almondo," the defendants, at least one of whom traveled in and caused another to travel in interstate and foreign commerce in furtherance of the offense, unlawfully and knowingly did attempt to use a weapon of mass destruction, to wit, an IED containing over 30 pounds of C-4 military grade plastic explosive material, against persons and property within the United States, to wit, the vicinity of the Riverdale Temple located at 4545 Independence Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 2332a(a)(2)(C).)

COUNT THREE

ATTEMPT TO USE WEAPONS OF MASS DESTRUCTION
WITHIN THE UNITED STATES

The Grand Jury further charges:

5. From at least in or about June 2008, up to and including in or about May 2009, in the Southern District of New York and elsewhere, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, at least one of whom traveled in and caused another to travel in interstate and foreign commerce in furtherance of the offense, unlawfully and knowingly did attempt to use a weapon of mass destruction, to wit, an IED containing over 30 pounds of C-4 military grade plastic explosive material, against persons and property within the United States, to wit,

the vicinity of the Riverdale Jewish Center located at 3700 Independence Avenue in the Bronx, New York.

(Title 18, United States Code, Sections 2332a(a)(2)(C).)

COUNT FOUR

ATTEMPT TO USE WEAPONS OF MASS DESTRUCTION
WITHIN THE UNITED STATES

The Grand Jury further charges:

6. From at least in or about June 2008, up to and including in or about May 2009, in the Southern District of New York and elsewhere, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, at least one of whom traveled in and caused another to travel in interstate and foreign commerce in furtherance of the offense, unlawfully and knowingly did attempt to use a weapon of mass destruction, to wit, a surface-to-air guided missile system, against persons and property within the United States, to wit, personnel and property located at the New York Air National Guard Base in Newburgh, New York.

(Title 18, United States Code, Sections 2332a(a)(2)(C).)

COUNT FIVE

CONSPIRACY TO ACQUIRE AND USE ANTI-AIRCRAFT MISSILES

The Grand Jury further charges:

7. From at least in or about June 2008, up to and including in or about May 2009, in the Southern District of New

York and elsewhere, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, and others known and unknown, in an offense occurring in and affecting interstate commerce, and in an offense committed against property that was owned, leased, and used by the United States and by a department and agency of the United States, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to acquire, transfer directly and indirectly, receive, possess, and use (a) an explosive and incendiary rocket and missile that is guided by a system designed to enable the rocket and missile to seek and proceed toward energy radiated and reflected from an aircraft and toward an image locating an aircraft, and otherwise direct and guide the rocket and missile to an aircraft; (b) a device designed and intended to launch and guide said rocket and missile; and (c) a part and combination of parts designed and redesigned for use in assembling and fabricating said rocket, missile, and device.

8. It was a part and an object of the conspiracy that JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, and others known and unknown, agreed to acquire,

possess, and use a surface-to-air guided missile system to destroy military aircraft located at the Air National Guard Base, in violation of Title 18, United States Code, Section 2332g.

Overt Acts

9. In furtherance of the conspiracy and to effect the illegal object thereof, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, and others known and unknown, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code,
Sections 2332g(a)(1), (b)(1), (b)(4), (b)(5), and (c)(1).)

COUNT SIX

ATTEMPT TO ACQUIRE AND USE ANTI-AIRCRAFT MISSILES

The Grand Jury further charges:

10. From at least in or about June 2008, up to and including in or about May 2009, in the Southern District of New York and elsewhere, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, in an offense occurring in and affecting interstate commerce, and in an offense committed against property that was owned, leased, and used by the United States and by a department and agency of the United States, did

unlawfully and knowingly attempt to acquire, transfer directly and indirectly, receive, possess, and use (a) an explosive and incendiary rocket and missile that is guided by a system designed to enable the rocket and missile to seek and proceed toward energy radiated and reflected from an aircraft and toward an image locating an aircraft, and otherwise direct and guide the rocket and missile to an aircraft; (b) a device designed and intended to launch and guide said rocket and missile; and (c) a part and combination of parts designed and redesigned for use in assembling and fabricating said rocket, missile, and device.

(Title 18, United States Code,
Sections 2332g(a)(1), (b)(1), (b)(4), (b)(5) and (c)(1).)

COUNT SEVEN

CONSPIRACY TO KILL
OFFICERS AND EMPLOYEES OF THE UNITED STATES

The Grand Jury further charges:

11. From at least in or about June 2008, up to and including in or about May 2009, in the Southern District of New York and elsewhere, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to kill officers and employees of the United States, and of an agency in

a branch of the United States Government, while such officers and employees were engaged in and on account of the performance of official duties, and any person assisting such officers and employees in the performance of such duties and on account of that assistance, in violation of Title 18, United States Code, Section 1114.

12. It was a part and an object of the conspiracy that JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, and others known and unknown, agreed to use a surface-to-air guided missile system to kill officers and employees of the United States, and persons assisting such officers and employees in the performance of official duties, at the New York Air National Guard Base located at Stewart Airport in Newburgh, New York.

Overt Acts

13. In furtherance of the conspiracy and to effect the illegal object thereof, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, and others known and unknown, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 1114 and 1117.)

COUNT EIGHT

ATTEMPT TO KILL
OFFICERS AND EMPLOYEES OF THE UNITED STATES

The Grand Jury further charges:

14. From at least in or about June 2008, up to and including in or about May 2009, in the Southern District of New York and elsewhere, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, unlawfully, willfully, and knowingly did attempt to kill officers and employees of the United States and of an agency in a branch of the United States Government, while such officers and employees were engaged in and on account of the performance of official duties, and any person assisting such officers and employees in the performance of such duties and on account of that assistance, to wit, CROMITIE, DAVID WILLIAMS, ONTA WILLIAMS, and PAYEN attempted to use a surface-to-air guided missile system to kill officers and employees of the United States, and persons assisting such officers and employees in the performance of official duties, at the New York Air National Guard Base located at Stewart Airport in Newburgh, New York.

(Title 18, United States Code, Sections 1114 and 2.)

FORFEITURE ALLEGATIONS

15. The allegations contained in Counts One through Eight of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c).

16. The violations of Title 18, United States Code, Sections 2332a, 2332g, 1114, 1117, and 2339B, alleged in Counts One through Eight of this Indictment were Federal crimes of terrorism, as defined in 18 U.S.C. § 2332b(g)(5), against the United States, citizens and residents of the United States, and their property.

17. JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, were individuals engaged in planning and perpetrating a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.


18. Upon conviction of any of the offenses in violation of Title 18, United States Code, Sections 2332a, 2332g, 1114, and 1117, alleged in Counts One through Eight of this Indictment, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA

WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(i), and Title 28, United States Code, Section 2461(c), all right, title, and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

19. Upon conviction of any of the offenses in violation of Title 18, United States Code, Sections 2332a, 2332g, 1114, and 1117, alleged in Counts One through Eight of this Indictment, JAMES CROMITIE, a/k/a "Abdul Rahman," a/k/a "Abdul Rehman," DAVID WILLIAMS, a/k/a "Daoud," a/k/a "DL," ONTA WILLIAMS, a/k/a "Hamza," and LAGUERRE PAYEN, a/k/a "Amin," a/k/a "Almondo," the defendants, shall pay to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c), and a money judgment equal to the value of the assets subject to forfeiture under Paragraphs 15 through 18 above.

(Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c).)


FOREPERSON


LEV L. DASSIN
Acting United States Attorney